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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

In re Application of :

Jose González Miguez

U.S. Application: 10/525,517
Art. Unit 3643

Filing Date: 24.FEBRUARY.2005

Only by Fax: 001 571 273 0459

REPLY TO OFFICE ACTION

Mail Stop PCT

Commissioner for Patents

Atte. VALENTI, ANDREA M (ART UNIT 3643)

PO Box 1450

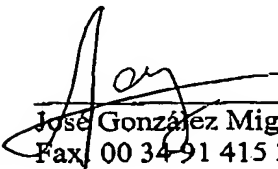
Alexandria, VA 22313-1450

31/January/2007

Dear Sirs:

Regarding the Communication issued on November 13th, 2006 attached please find a Response to said office action. In this respect, please note that the following documents are attached to this letter: Copy of the First Page of the Office Action, Reply to Office Action, Amended Description (Red Line and Clean Version), Amended Drawings (Replacement Pages 2/8, 3/8 and 7/8) and Amended Claims (claim 11 replaces claims 1-10).

Respectfully submitted,


Jose González Miguez

Fax: 00 34 91 415 3666

Office Action Summary

Application No.

10/525,517

Applicant(s)

GONZALEZ MIGUEZ, JOSE

Examiner

Andrea M. Valenti

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

REPLY TO OFFICE ACTION

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Application/Control Number 10/525,517

Art Unit: 3643

10 **Patent Application MODULAR FLOWER BOX COMPRISING WATER
DRAINAGE SYSTEM AND CLAMPS/SUPPORT WHICH IS USED TO
CONNECT MODULES AND WHICH CAN HOUSE A LIGHTING
ELEMENT (Gonzalez Miguez, Jose)**

Response to Office Action mailed November 13, 2006

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Amended set of claims

Applicant, as a part of this Response to the Office Action, is now submitting a new claim 11. Old claims 1-10 are cancelled.

20 **Amended drawings**

Applicant is now submitting Replacement Sheets 2/8, 3/8 and 7/8, as per Examiner's request.

Amended Description

25 Applicant is now submitting an amended Description. Page 6 is being amended to include amendments made to the drawings as above mentioned. Pages 8 and 10 have been amended to include the reference number (5) to designate the reinforced lengthwise module, which was originally identified in drawing 5/8. Therefore, no new matter is being added.

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In the foregoing, Applicant addresses the objections and rejections made by the Examiner in his Detailed Action, referring to the same numeric items used in said detailed action:

Claim Objections

Examiner objects Claims 1-10 because "characterised in" should be comprising-

- * Remark: Claims 1-10 are cancelled. Appropriate correction is being made in the
5 now submitted new claim 11.

Drawings

Examiner objects Fig. 2, Fig. 3 and Fig. 7 because they appear to contain multiple embodiments within one Figure.

- 10 * Remark: Appropriate correction is being made and Applicant submits now the required corrected drawing sheets. Three Replacement Sheets 2/8, 3/8 and 7/8 are submitted, now showing Fig. 2A, Fig. 2B; Fig. 3A, Fig. 3B, Fig. 3C; Fig. 7A, Fig. 7B, Fig. 7C.

15 ***Claim Rejections – 35 USC § 112***

Examiner rejects Claims 1-10 as being indefinite and as failing to define the invention in the manner required by 35 USC § 112, second paragraph.

- * Remark: Appropriate correction is being made in the now submitted new set of
claims.

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Claim Rejections – 35 USC § 103

- Examiner rejects claims 1, 9 and 10 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen.

- * Remarks: Applicant cancels Claims 1, 9 and 10.

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- Examiner rejects claims 2, 3, 4, 5, 9 and 10 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen as applied to claim 1 above, and further in view of Japanese Patent JP 03191161 A to Shimizu.

- 30 * Remarks: Applicant cancels Claims 2, 3, 4, 5, 9 and 10.

Applicant respectfully disagrees to Examiner's statement "Regarding Claim 3, Felix as modified inherently teaches the interior double wall the double wall does not reach the ends to allow joining since Felix teaches that the ends of the

3

lengthwise sections must be a single wall to fit into the support and end closure (Felix Figure 4 and 3)". In fact, Felix never teaches a wall other than a single wall, either expressly or inherently; instead, Applicant's invention discloses on page 3 of the Description "a reinforced lengthwise module, where the side walls and the
5 bottom also include, as well as the double wall for evacuating water, another wall that branches from the former one and is less thick, the interior of which is made up of a series of nerves that provide the assembly with greater consistency, thus avoiding outward buckling once the plant pot is filled with earth." Therefore, Applicant firmly believes that the above feature is novel and inventive and claims
10 said feature at new Claim 11. Said Claim 11 is based on the Description, e.g., pages 3, 6, 8, 10, among others.

- Examiner rejects claim 6 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen as applied to claim 1
15 above, and further in view of U.S. Patent Pub. No. US 2003/0084610 to Yawney.

* Remarks: Applicant cancels claim 6

- Examiner rejects claims 7 and 8 as being unpatentable over French Patent FR2659192 A1 to Felix et al in view of German Patent DE 4025651 to Meulen,
20 Japanese Patent JP 03191161 A to Shimizu and U.S. Patent Pub. No. US 2003/0084610 to Yawney as applied to claim 1, 2, 3 and 6 above, and further in view of U.S. Patent No. 4,954,015 to McGowan.

* Remarks: Applicant cancels Claims 7 and 8

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In view of the foregoing remarks, applicant hereby respectfully requests favourable reconsideration and prompt allowance of the claim now submitted.

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3